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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,464	07/08/2002	Jonathan William Clarke	047-0057	4142

7590

03/23/2004

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EXAMINER

NERBUN, PETER P

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/936,464

Applicant(s)

CLARKE ET AL.

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the double sliding needle bar, loopers, hooks, knives, and driving means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The specification is objected to for containing errors in syntax and spelling. Note page 1, line 18 of the specification as numbered by applicant ("would assist the looper respectively hook yarn pick-up" contains errors in syntax that should be corrected); page 2, line 6 ("while" should be deleted); page 2, line 13 ("continues" should be changed to --continuous--); page 3, last line "motion" should be changed to --motion.--; page 6, line 2, after "Furthermore,", --with-- should be inserted; page 6, line 3, after "which", -is-- should be inserted.

Claims 2 and 3 are objected to for containing a grammatical error. In claim 2, line 2 and in claim 3, line 2, "are" should be changed to --is/are-- since the subject ("needlebar(s)") can be either single or plural.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 11/1, 11/2, 12, 17/1, 17/2, 18, 20/11/1, 20/11/2, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinch et al. The patent to Hinch et al discloses a method for running a tufting machine having at least one needlebar 26, Fig. 2, loopers (see col. 7, lines 60-66) and/or hooks to pick up yarn delivered through the needles of the needlebar, knives (see col. 8, lines 11-16) to cut the yarn loops and driving means 11, 12, Fig. 1, characterized in that the needle action and/or the looper action and/or the hook action and/or the knife action is/are non-simple harmonic motion (see col. 7, lines 10-16 which state that the needle may be stopped at each end of its reciprocation and that the stop time at the end of each forward and reverse stroke may be variable). With regard to claims 11/1, 11/2, and 12 note col. 8, lines 59-65 which state that the electronic control of the voltages applied to solenoid coils 11, 12 can provide a remote timing function for a remote timing function for an electrical drive of those parts of the stitching mechanism operating on the opposite side of the base material (e.g. the loopers referred to in col. 7, lines 60-66).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, 11/8, 11/9, 13-16, 17/8, 17/9, 19, 20/11/8, 20/11/9, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinch et al in view of

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Crossley. The patent to Hinch et al discloses a method for operating a tufting machine comprising at least one needlebar, loopers and/or hooks to pick up yarn delivered through the needles of the needlebar, knives to cut the yarn formed by the loopers or hooks, and driving means, said method being characterized in that the movement of the at least one needlebar, the movement of the loopers or the hooks, or the movement of the knives is non-simple harmonic motion and further characterized in that the at least one needlebar dwells or halts when the needles stand at top dead center or the pick-up point. To utilize at least one double-sliding needlebar as the needlebar used by Hinch et al as suggested by Crossley (see col. 3, lines 48-49) would have been obvious since Crossley states that this structure provide the means to achieve greater patterning effects (see col. 1, lines 64-68 and col. 2, lines 1-7).

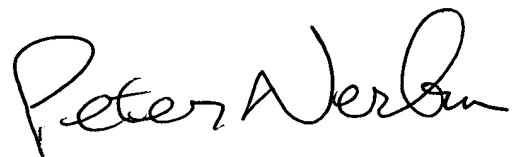
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun  
March 15, 2004

A handwritten signature in black ink, appearing to read "Peter Nerbun". The signature is fluid and cursive, with the first name "Peter" and last name "Nerbun" clearly distinguishable.

Peter Nerbun  
Primary Examiner